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SUITE 208  
DOYLESTOWN, PA 18901

EXAMINER

NGUYEN, TRI V

ART UNIT PAPER NUMBER

1751

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/857,257	<b>Applicant(s)</b> ELDERING, CHARLES	
	<b>Examiner</b> Tri V. Nguyen	<b>Art Unit</b> 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 47-80 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/2006</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Request for Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 21, 2006 has been entered.

### ***Response to Amendment***

2. In the amendment file on June 21, 2006, claims 1 and 5 have been amended; claims 10-46 have been cancelled and claims 47-80 have been added. The currently pending claims considered below are claims 1-9 and 47-80.

### ***Information Disclosure Statement***

3. The information disclosure statement filed June 21, 2006 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the disclosed non-patent documents were not provided. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 48, 49, 55, 56, 67, 68 and 77 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

A. There is a lack of support in the specification for the limitation of “non-Boolean,” the exclusion of a feature has to be supported. On page 16, lines 17-19, the specification recites that the correlation factor “**can** exceed one” (emphasis added by the Examiner); however, there is not any mention of an exclusion of a Boolean feature.

B. There is a lack of support in the specification for the limitation of a correlation factor being a “gradation of the correlation.” On page 16, lines 17-19, the specification recites that the correlation factor “**can** exceed one” (emphasis added by the Examiner); however, there is not any mention of feature wherein the correlation factor is a gradation.

C. There is a lack of support in the specification for the limitation of the transmission being simultaneous.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-8 and 47-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feezell et al. (US 6,253,189) in view of Kramer et al. (US 6,327,574).

Claim 1. Feezell et al. discloses in a networked environment having a plurality of computer systems interconnected for the purpose of instantaneously transmitting and receiving data, a method for auctioning an advertisement opportunity, said method comprising:

(a) providing notification of an advertisement opportunity from a content opportunity provider computer system, wherein said advertisement opportunity corresponds to an opportunity to transmit an advertisement to a consumer (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);

(b) receiving an advertisement characterization from an advertiser computer system, wherein said advertisement characterization corresponds to an advertisement (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);

(c) calculating a correlation factor between said advertisement characterization and said consumer in a profiler computer system (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);

(d) transmitting said correlation factor to said advertiser computer system prior to receiving a bid for said advertisement opportunity from said advertiser computer system (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4); and

(e) receiving a successful bid for said advertisement opportunity at said content/opportunity provider computer system, wherein said successful bid

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results in the transmission of said advertisement to said consumer in said advertisement opportunity (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4). Feezell et al. does not explicitly disclose the use of a correlation factor. However, Feezell et al. recites the use of valuation data, weight factor and correlations (col 5, lines 31-47; col 7, lines 34-45 and col 11, lines 48-50). In an analogous art, Kramer et al. discloses a method for correlating an ad characterization vector and a consumer characterization vector in the evaluation of the advertisement opportunity (col 10, lines 47-67 and col 11, lines 1-10). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method in Feezell et al. One would have been motivated to use a correlation factor in Feezell et al.; thus, allowing a more efficient matching of the advertisement and the consumer in the bidding process.

Claim 2. Feezell et al. and Kramer et al. disclose the method described in claim 1 but do not explicitly disclose wherein said advertisement characterization is in the form of an ad characterization vector, said consumer is represented by a consumer characterization vector, and said correlation factor in step (c) is calculated as the scalar product between said ad characterization vector and said consumer characterization vector. Kramer discloses the feature of an ad characterization vector and a consumer characterization vector (col 10, lines 47-67 and col 11, lines 1-10). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the correlation method in Feezell et al. One would have been motivated to use the scalar product of the advertisement and consumer vectors to provide a more

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rigorous mathematical foundation to the correlation factor used in Feezell et al.; thus, allowing a more efficient matching of the advertisement and the consumer in the bidding process.

Claim 3. Feezell et al. and Kramer et al. disclose the method described in claim 2 but do not explicitly disclose wherein said consumer characterization vector contains a demographic characterization of said consumer and wherein' said ad characterization vector contains a demographic characterization of the target market for said advertisement. Kramer et al. teaches the use of vectors to characterize ads and consumers (col 10, lines 47-67 and col 11, lines 1-10). Furthermore, Kramer et al. also teaches the use of demographics information in characterizing the vectors (col 11, lines 38-53; col 21, lines 7-19 and Figs 10, 11A and 11B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the characterization of the advertisement and the consumer by using vectors and demographic information. One would have been motivated to enhance the relevancy of the correlation by providing additional practical information.

Claim 4. Feezell et al. and Kramer et al. disclose the method described in claim 2 but do not explicitly disclose wherein said consumer characterization vector contains a product preference characterization of said consumer and wherein said ad characterization vector contains a product preference target market for said advertisement. Kramer et al. teaches the use of vectors to characterize consumers and advertisements wherein said consumer characterization vector contains a product preference characterization of said consumer and wherein

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said ad characterization vector contains a product preference target market for said advertisement (col 10, lines 34-38; col 11, lines 22-36; col 28, lines 45-55 and Fig 10, element 1036). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the characterization of the advertisement and the consumer by using vectors and product preference information. One would have been motivated to enhance the relevancy of the correlation by providing additional practical information for the consumer and advertisement vectors.

Claim 5. Feezell et al. discloses in a networked environment having a plurality of computer systems interconnected for the purpose of instantaneously transmitting and receiving data, a method for auctioning an advertisement opportunity, said method comprising:

- (a) providing notification of an advertisement opportunity from a content opportunity provider computer system to a plurality of computer systems representing advertisers, wherein said advertisement opportunity corresponds to an opportunity to transmit an advertisement to a consumer (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);
- (b) receiving a plurality of advertisement characterizations from said plurality of computer systems representing advertisers, wherein each of said advertisement characterization corresponds to advertisement (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);
- (c) calculating a plurality of correlation factors between said advertisement characterizations and said consumer in a profiler computer system (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);



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(d) transmitting said correlation factors to said plurality of computer systems representing advertisers prior to receiving a bid for said advertisement opportunity from said plurality of computer systems representing advertisers (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);

(e) receiving a plurality of bids for said advertisement opportunity at said content/opportunity provider computer system (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4); and

(f) selecting a successful bid from said plurality of bids for said advertisement opportunity wherein said successful bid results in the transmission of said advertisement to said consumer in said advertisement opportunity (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4).

Feezell et al. does not explicitly disclose the use of a correlation factor.

However, Feezell et al. recites the use of valuation data, weight factor and correlations (col 5, lines 31-47; col 7, lines 34-45 and col 11, lines 48-50). In an analogous art, Kramer et al. discloses a method for correlating an ad characterization vector and a consumer characterization vector in the evaluation of the advertisement opportunity (col 10, lines 47-67 and col 11, lines 1-10).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method in Feezell et al. One would have been motivated to use a correlation factor in Feezell et al.; thus, allowing a more efficient matching of the advertisement and the consumer in the bidding process.

Claim 6. Feezell et al. and Kramer et al. disclose the method described in claim 5 but do not explicitly disclose wherein said advertisement characterization is in

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the form of an ad characterization vector, said consumer is represented by a consumer characterization vector, and said correlation factor in step (c) is calculated as the scalar product between said ad characterization vector and said consumer characterization vector. Kramer discloses the feature of an ad characterization vector and a consumer characterization vector (col 10, lines 47-67 and col 11, lines 1-10). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the correlation method in Feezell et al. One would have been motivated to use the scalar product of the advertisement and consumer vectors to provide a more rigorous mathematical foundation to the correlation factor used in Feezell et al.; thus, allowing a more efficient matching of the advertisement and the consumer in the bidding process.

Claim 7. Feezell et al. and Kramer et al. disclose the method described in claim 6 but do not explicitly disclose wherein said consumer characterization vector contains a demographic characterization of said consumer and wherein said computer readable ad characterization vector contains a demographic characterization of the target market for said advertisement. Kramer et al. teaches the use of vectors to characterize ads and consumers (col 10, lines 47-67 and col 11, lines 1-10). Furthermore, Kramer et al. also teaches the use of demographics information in characterizing the vectors (col 11, lines 38-53; col 21, lines 7-19 and Figs 10, 11A and 11B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the characterization of the advertisement and the consumer by using vectors and demographic information. One would have been motivated to

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enhance the relevancy of the correlation by providing additional practical information.

Claim 8. Feezell et al. and Kramer et al. disclose the method described in claim 6 but do not explicitly disclose wherein said consumer characterization vector contains a product preference characterization of said consumer and wherein said computer-readable ad characterization vector contains a product preference target market for said advertisement. Kramer et al. teaches the use of vectors to characterize consumers and advertisements wherein said consumer characterization vector contains a product preference characterization of said consumer and wherein said ad characterization vector contains a product preference target market for said advertisement (col 10, lines 34-38; col 11, lines 22-36; col 28, lines 45-55 and Fig 10, element 1036). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the characterization of the advertisement and the consumer by using vectors and product preference information. One would have been motivated to enhance the relevancy of the correlation by providing additional practical information for the consumer and advertisement vectors.

Claim 47. Feezell et al. and Kramer et al. disclose the method of claim 1, but do not explicitly disclose wherein said correlation factor represents the degree of similarity between said advertisement and said consumer. Kramer et al. teaches the use of a degree of similarity (col 10, line 50 to col 11, line 36; col 28, lines 45-55 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method

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to include the correlation factor representing a similarity degree. One would have been motivated to add the similarity feature to improve the efficiency of finding the appropriate targeted audience.

Claim 48. Feezell et al. and Kramer et al. disclose the method of claim 1, but do not explicitly disclose wherein said correlation factor is non-Boolean. Kramer et al. teaches the use of non-Boolean terms (col 21, lines 7-31 and Figs. 1A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor being non-Boolean. One would have been motivated to non-Boolean terms to improve the efficiency of finding the accurate targeted audience by obtaining discrete and précised values.

Claim 49. Feezell et al. and Kramer et al. disclose the method of claim 1, but do not explicitly disclose wherein said correlation factor is a gradation of the correlation between said advertisement characterization and said consumer. Kramer et al. teaches the use of a gradation factor (col 10, line 50 to col 11, line 36; col 28, lines 45-55; col 33, lines 14-36 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor representing a gradation. One would have been motivated to add the gradation feature to improve the efficiency of finding the accurate targeted audience by obtaining discrete and précised values.

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Claim 50. Feezell et al. and Kramer et al. disclose the method of claim 1, but do not explicitly disclose wherein the value of said successful bid is based on the correlation factor transmitted in step (d). Feezell et al. discloses the successful bid is based on the valuation data (Feezell et al.: col 11, lines 43 to col 12, lines 17 and Figs. 2, 4).

Claim 51. Feezell et al. and Kramer et al. disclose the method of claim 1, but do not explicitly disclose wherein said correlation factor is decimal. Kramer et al. teaches the use of a decimal factor (col 10, line 50 to col 11, line 36; col 28, lines 45-55; col 33, lines 14-36 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor being decimal. One would have been motivated to add the decimal feature to improve the efficiency of finding the accurate targeted audience by obtaining discrete and précised values.

Claim 52. Feezell et al. disclose in a networked environment having a plurality of computer systems interconnected for the purpose of instantaneously transmitting and receiving data, a method for auctioning an advertisement opportunity, said method comprising:

(a) providing notification of an advertisement opportunity from a content/opportunity provider computer system, wherein said advertisement opportunity corresponds to an opportunity to transmit an advertisement to a consumer (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4),

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(b) receiving an advertisement characterization from an advertiser computer system, wherein said advertisement characterization corresponds to an advertisement (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);

(c) calculating a correlation factor between said advertisement characterization and said consumer in a profiler computer system (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);

(d) transmitting said correlation factor to said advertiser computer system (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4); and

(e) receiving a successful bid at said content/opportunity provider computer system, wherein said successful bid is received in response to said correlation factor being transmitted to said advertiser computer system for said advertisement opportunity and results in the transmission of said advertisement to said consumer in said advertisement opportunity (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4).

Claim 53. Feezell et al. and Kramer et al. disclose the method of claim 52, wherein said correlation factor is transmitted to said advertiser computer system prior to receiving a bid for said advertisement opportunity from said advertiser computer system (Feezell et al.: col 11, lines 43 to col 12, lines 17 and Figs. 2, 4).

Claim 54. Feezell et al. and Kramer et al. disclose the method of claim 52, but do not explicitly disclose wherein said correlation factor represents the degree of similarity between said advertisement and said consumer. Kramer et al. teaches the use of a degree of similarity (col 10, line 50 to col 11, line 36; col 28, lines 45-

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55 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor representing a similarity degree. One would have been motivated to add the similarity feature to improve the efficiency of finding the appropriate targeted audience.

Claim 55. Feezell et al. and Kramer et al. disclose the method of claim 52, but do not explicitly disclose wherein said correlation factor is non-Boolean. Kramer et al. teaches the use of non-Boolean terms (col 21, lines 7-31 and Figs. 1A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor being non-Boolean. One would have been motivated to non-Boolean terms to improve the efficiency of finding the accurate targeted audience by obtaining discrete and précised values.

Claim 56. Feezell et al. and Kramer et al. disclose the method of claim 52, but do not explicitly disclose wherein said correlation factor is a gradation of the correlation between said advertisement characterization and said consumer. Kramer et al. teaches the use of a gradation factor (col 10, line 50 to col 11, line 36; col 28, lines 45-55; col 33, lines 14-36 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor representing a gradation. One would have been motivated to add the gradation feature to improve the efficiency of finding the accurate targeted audience by obtaining discrete and précised values.

Claim 57. Feezell et al. and Kramer et al. disclose the method of claim 52, but do not explicitly disclose wherein the value of said successful bid is dependent on the correlation factor transmitted in step (d). Feezell et al. discloses the successful bid is based on the valuation data (Feezell et al.: col 11, lines 43 to col 12, lines 17 and Figs. 2, 4).

Claim 58. Feezell et al. and Kramer et al. disclose the method of claim 52, but do not explicitly disclose wherein said correlation factor is decimal. Kramer et al. teaches the use of a decimal factor (col 10, line 50 to col 11, line 36; col 28, lines 45-55; col 33, lines 14-36 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor being decimal. One would have been motivated to add the decimal feature to improve the efficiency of finding the accurate targeted audience by obtaining discrete and précised values.

Claim 59. Feezell et al. disclose in a networked environment having a plurality of computer systems interconnected for the purpose of instantaneously transmitting and receiving data, a method for auctioning an advertisement opportunity, said method comprising:

(a) providing notification of an advertisement opportunity from a content/opportunity provider computer system, wherein said advertisement opportunity corresponds to an opportunity to transmit an advertisement to a consumer (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);



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- (b) receiving an advertisement characterization from an advertiser computer system, wherein said advertisement characterization corresponds to an advertisement (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);
- (c) calculating a correlation coefficient between said advertisement characterization and said consumer in a profiler computer system (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);
- (d) transmitting said correlation coefficient to said advertiser computer system (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4); and
- (e) receiving a successful bid for said advertisement opportunity at said content/opportunity provider computer system, wherein said successful bid results in the transmission of said advertisement to said consumer in said advertisement opportunity (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4).

Claim 60. Feezell et al. and Kramer et al. disclose the method of claim 59, wherein said correlation coefficient represents the degree of similarity between said advertisement and said consumer. Kramer et al. teaches the use of a degree of similarity (col 10, line 50 to col 11, line 36; col 28, lines 45-55 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor representing a similarity degree. One would have been motivated to add the similarity feature to improve the efficiency of finding the appropriate targeted audience.

Claim 61. Feezell et al. and Kramer et al. disclose the method of claim 59, wherein said correlation factor is transmitted to said advertiser computer system

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prior to receiving a bid for said advertisement opportunity from said advertiser computer system (Feezell et al.: col 11, lines 43 to col 12, lines 17 and Figs. 2, 4).

Claim 62. Feezell et al. and Kramer et al. disclose the method of claim 59, but do not explicitly disclose wherein said correlation coefficient is decimal. Kramer et al. teaches the use of a decimal factor (col 10, line 50 to col 11, line 36; col 28, lines 45-55; col 33, lines 14-36 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor being decimal. One would have been motivated to add the decimal feature to improve the efficiency of finding the accurate targeted audience by obtaining discrete and précised values.

Claim 63. Feezell et al. disclose in a networked environment having a plurality of computer systems interconnected for the purpose of instantaneously transmitting and receiving data, a method for auctioning an advertisement opportunity, said method comprising:

- (a) providing notification of an advertisement opportunity from a content/opportunity provider computer system, wherein said advertisement opportunity corresponds to an opportunity to transmit an advertisement to a consumer (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);
- (b) receiving an advertisement characterization from an advertiser computer system, wherein said advertisement characterization corresponds to an advertisement (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);

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(c) calculating a correlation factor between said advertisement characterization and said consumer in a profiler computer system (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);

(d) transmitting said correlation factor to said advertiser computer system (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4); and

(e) receiving a successful bid for said advertisement opportunity at said content/opportunity provider computer system, wherein said successful bid results in the transmission of said advertisement to said consumer in said advertisement opportunity, and wherein said bid is based on said correlation factor (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4).

Claim 64. Feezell et al. and Kramer et al. disclose the method of claim 63, wherein said bid is calculated by said advertiser computer system using said correlation factor (Feezell et al.: col 11, lines 43 to col 12, lines 17 and Figs. 2, 4).

Claim 65. Feezell et al. and Kramer et al. disclose the method of claim 63, disclose wherein said correlation factor is transmitted to the advertiser computer system prior to receiving a bid for said advertisement opportunity from said advertiser computer system (Feezell et al.: col 11, lines 43 to col 12, lines 17 and Figs. 2, 4).

Claim 66. Feezell et al. and Kramer et al. disclose the method of claim 64 but do not explicitly disclose wherein said correlation factor represents the degree of similarity between said advertisement and said consumer. Kramer et al. teaches the use of a degree of similarity (col 10, line 50 to col 11, line 36; col 28, lines 45-

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55 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor representing a similarity degree. One would have been motivated to add the similarity feature to improve the efficiency of finding the appropriate targeted audience.

Claim 67. Feezell et al. and Kramer et al. disclose the method of claim 63, but do not explicitly disclose wherein said correlation factor is non-Boolean. Kramer et al. teaches the use of a non-Boolean terms (col 21, lines 7-31 and Figs. 1A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor being non-Boolean. One would have been motivated to non-Boolean terms to improve the efficiency of finding the accurate targeted audience by obtaining discrete and précised values.

Claim 68. Feezell et al. and Kramer et al. disclose the method of claim 63, but do not explicitly disclose wherein said correlation factor is a gradation of the correlation between said advertisement characterization and said consumer. Kramer et al. teaches the use of a gradation factor (col 10, line 50 to col 11, line 36; col 28, lines 45-55; col 33, lines 14-36 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor representing a gradation. One would have been motivated to add the gradation feature to improve the efficiency of finding the accurate targeted audience by obtaining discrete and précised values.

Claim 69. Feezell et al. and Kramer et al. disclose the method of claim 63, but do not explicitly disclose wherein said correlation factor may be described by more than two values. In an analogous art, Kramer et al. teaches the inclusion of many inputs such as a product preference characterization in a subscriber profile and a product preference of a target market in an advertisement (col 10, lines 34-38; col 11, lines 22-36; col 28, lines 45-55 and Fig 10, element 1036). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include more than one values in the correlation factor. One would have been motivated to enhance the relevancy of the profile by providing additional practical information to generate a more accurate targeted audience.

Claim 70. Feezell et al. and Kramer et al. disclose the method of claim 63, but do not explicitly disclose wherein said correlation factor is a decimal. Kramer et al. teaches the use of a decimal factor (col 10, line 50 to col 11, line 36; col 28, lines 45-55; col 33, lines 14-36 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor being decimal. One would have been motivated to add the decimal feature to improve the efficiency of finding the accurate targeted audience by obtaining discrete and précised values.

Claim 71. Feezell et al. disclose in a networked environment having a plurality of computer systems interconnected for the purpose of instantaneously transmitting

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and receiving data, a method for buying an advertisement opportunity, said method comprising:

- (a) receiving at an advertiser computer system notification of an advertisement opportunity, from a content/opportunity provider computer system, wherein said advertisement opportunity corresponds to an opportunity to transmit an advertisement to a consumer (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);
- (b) providing an advertisement characterization corresponding to an advertisement from said advertiser computer system to a profiler computer system (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);
- (c) receiving, at said advertiser computer system, from the profiler computer system, a correlation factor representing the correlation between said advertisement characterization and said consumer (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);
- (d) determining a bid for said advertisement opportunity (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4); and
- (e) transmitting said bid to said content/opportunity provider (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4).

Claim 72. Feezell et al. and Kramer et al. disclose the method of claim 71, but do not explicitly disclose wherein said determining is based at least in part on said correlation factor. Feezell et al. disclose the use of valuation data in the bidding process (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to base the determination on at least the correlation factor. One would have been motivated to use the correlation

factor as one of the input tools in the determination since the correlation provide a good measure of the targeted audience in the context of the particular advertisement.

Claim 73. Feezell et al. and Kramer et al. disclose the method of claim 71, further comprising: receiving a notification that said bid was successful (Feezell et al.: col 12, lines 1-17).

Claim 74. Feezell et al. and Kramer et al. disclose the method of claim 71, but do not explicitly disclose wherein said correlation factor represents the degree of similarity between said advertisement and said consumer. Kramer et al. teaches the use of a degree of similarity (col 10, line 50 to col 11, line 36; col 28, lines 45-55 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor representing a similarity degree. One would have been motivated to add the similarity feature to improve the efficiency of finding the appropriate targeted audience.

Claim 75. Feezell et al. and Kramer et al. disclose the method of claim 71, but do not explicitly disclose wherein said correlation factor is a gradation of the correlation between said advertisement characterization and said consumer. Kramer et al. teaches the use of a gradation factor (col 10, line 50 to col 11, line 36; col 28, lines 45-55; col 33, lines 14-36 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor

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representing a gradation. One would have been motivated to add the gradation feature to improve the efficiency of finding the accurate targeted audience by obtaining discrete and précised values.

Claim 76. Feezell et al. and Kramer et al. disclose the method of claim 71, but do not explicitly disclose wherein said correlation factor is decimal. Kramer et al. teaches the use of a decimal factor (col 10, line 50 to col 11, line 36; col 28, lines 45-55; col 33, lines 14-36 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor being decimal. One would have been motivated to add the decimal feature to improve the efficiency of finding the accurate targeted audience by obtaining discrete and précised values.

Claim 77. Feezell et al. and Kramer et al. disclose the method of claim 5, but do not explicitly disclose wherein said transmitting of step (d) occurs simultaneously for each of the correlation factors. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method as taught by Feezell et al. and Kramer et al. with the transmission being simultaneous since it was known in the art that the simultaneous transmissions result in more offers being received and thus increasing the chances of obtaining higher bids and selling more ad opportunities.

Claim 78. Feezell et al. and Kramer et al. disclose the method of claim 5, but do not explicitly disclose wherein each of said plurality of correlation factors represents the degree of similarity between the corresponding advertisement and



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said consumer. Kramer et al. teaches the use of a degree of similarity (col 10, line 50 to col 11, line 36; col 28, lines 45-55 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor representing a similarity degree. One would have been motivated to add the similarity feature to improve the efficiency of finding the appropriate targeted audience.

Claim 79. Feezell et al. and Kramer et al. disclose the method of claim 5, but do not explicitly disclose wherein each of said plurality of correlation factors is a gradation of the correlation between each corresponding advertisement characterization and said consumer. Kramer et al. teaches the use of a gradation factor (col 10, line 50 to col 11, line 36; col 28, lines 45-55; col 33, lines 14-36 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor representing a gradation. One would have been motivated to add the gradation feature to improve the efficiency of finding the accurate targeted audience by obtaining discrete and précised values.

Claim 80. Feezell et al. and Kramer et al. disclose the method of claim 5, but do not explicitly disclose wherein each of said plurality of correlation factors is decimal. Kramer et al. teaches the use of a decimal factor (col 10, line 50 to col 11, line 36; col 28, lines 45-55; col 33, lines 14-36 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation

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factor being decimal. One would have been motivated to add the decimal feature to improve the efficiency of finding the accurate targeted audience by obtaining discrete and précised values.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feezell et al. and Kramer et al. as applied to claim 5 above, and further in view of Fisher et al. (US 5,835,896).

Claim 9. Feezell et al. and Kramer et al. disclose the method described in claim 5 but do not explicitly disclose wherein the selecting of said successful bid in step is based on the highest bid of said plurality of bids. In an analogous art, Fisher et al. teaches the steps of determining a highest bid; transmitting the highest bid to the advertisers; and receiving additional bids from the advertisers, wherein said selecting the winning bid is performed subsequent to determining a highest bid, said transmitting the highest bid, and said receiving additional bids (col 6, lines 39-87 and col 7, lines 1-7). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to expand on the bidding method of Feezell et al. and Kramer et al. One would have been motivated to allow for additional higher bids from advertisers to maximize profitability.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-80 have been considered but are moot in view of the new ground(s) of rejection. The Examiner notes that claims 10-46 have been cancelled.

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**Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri V. Nguyen whose telephone number is (571) 272-6965. The examiner can normally be reached on M-F 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029 and Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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